

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/928,007	BALDWIN ET AL.
	Examiner	Art Unit
	Brian D Nash	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 3-31-2004.
2.  The allowed claim(s) is/are 1-7,9-16,79-93 and 96-101.
3.  The drawings filed on 10 August 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 03/31/2004 .
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Examiner's Comments***

1. This action is in response to applicant's amendment received 23 February 2004 and telephonic interviews that occurred on 29 & 31 March 2004. *Refer to the interview summary for a summation of the arguments discussed.* Applicant agreed to the examiner's proposed amendments (see examiner's amendment below) in order to place the application in condition for allowance. The allowed claims are 1-7, 9-16, 79-93, and 96-101.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Marsh at 720-747-8890 on 1 April 2004.

The application has been amended as follows:

In claim 1, line 3, immediately after "cap removably" insert --and replacably--;

In claim 1, line 5, replace ";" and," with --and wherein the dispensing end of the barrel includes a fluid port and an outer flange and wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel; and,--;

Cancel claims 18-19;

In claim 92, line 3, immediately after “opposing end,” insert --and wherein the dispensing end of the barrel includes a fluid port and an outer flange,--;

In claim 92, line 6, replace “and” with --and wherein said cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member positionable about or an inner member positionable within the fluid port of the barrel; and,--;

Cancel claims 94-95;

Cancel claims 102-106.

***Reasons For Allowance***

3. The following is an examiner’s statement of reasons for allowance: The prior art of record fails to show an apparatus for automated handling of syringe bodies comprising a plurality of syringe bodies, each having a barrel with a dispensing and opposing end, a plunger slidably disposed in the opposing end, wherein a clean, contained volume is defined within the barrel between the plunger and the cap, and wherein the cap includes an outer member matingly positionable about the outer flange of the barrel and either an inner member is positionable about or an inner member is positionable within the fluid port of the barrel; and a flexible belt fixedly attached to each of the barrels of the syringe bodies such that at least one of the dispensing or opposing ends is accessible.

Additionally, a further review of the prior art of record failed to suggest or teach a reason for combining the reference to Ortiz et al with that of Shaw in order to arrive at the applicant’s invention. Ortiz et al produce capped syringe bodies containing a sterile volume of fluid and

Shaw shows a method of attaching cylindrical bodies via a flexible belt for the purpose of automated and more accurate handling. It is the examiner's opinion that it would not be obvious nor would there be any reason to attach a capped and filled syringe body that is ready for use and/or transport to a flexible belt for the purpose of further handling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 703 308-2187.

The fax number for this Group is: 703-872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash  
1 April 2004



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700